

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No. 22-cr-272 (WMW/TNL)

Plaintiff,

v.

ORDER

Brian Keith Kohls,

Defendant.

This matter comes before the Court on Defendant Brian Keith Kohls' Motion to Extend Deadlines for Filing Motions, ECF No. 17, and Motion to Waive Time Under the Speedy Trial Act, ECF No. 18. Defendant has also filed a Statement of Facts in Support of Exclusion of Time Under Speedy Trial Act, ECF No. 20. Defendant requests that the deadline for filing pretrial motions be extended from November 10 to December 8, 2022, so as to allow for additional time to review discovery and discuss this matter with counsel. *See* ECF Nos. 17 at 1, 18 at 1, 20 at 1. The Government has no objection to the requested continuance. ECF No. 17 at 1, 20 at 1.

Pursuant to 18 U.S.C. § 3161(h), this Court finds that the ends of justice served by granting a continuance outweigh the best interests of the public and Defendant in a speedy trial and such continuance is necessary to provide Defendant and his counsel reasonable time necessary for effective preparation and to make efficient use of the parties' resources.

Based on all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion to Extend Deadlines for Filing Motions, ECF No. 17, is **GRANTED**.

2. Defendant's Motion to Waive Time Under the Speedy Trial Act, ECF No. 18, is **GRANTED**.

3. The period of time from **November 9, 2022, through December 8, 2022**, shall be excluded from Speedy Trial Act computations in this case.

3. All motions in the above-entitled case shall be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 on or before **December 8, 2022**. D. Minn. LR 12.1(c)(1). Two courtesy copies of all motions and responses shall be delivered directly to the chambers of Magistrate Judge Leung.

4. Counsel shall electronically file a letter on or before **December 8, 2022**, if no motions will be filed and there is no need for hearing.

5. All responses to motions shall be filed by **December 22, 2022**. D. Minn. LR 12.1(c)(2).

6. Any Notice of Intent to Call Witnesses shall be filed by **December 22, 2022**. D. Minn. LR 12.1(c)(3)(A).

7. Any Responsive Notice of Intent to Call Witnesses shall be filed by **December 27, 2022**. D. Minn. LR 12.1(c)(3)(B).

8. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(c) where:

- a. The government makes timely disclosures and a defendant pleads particularized matters for which an evidentiary hearing is necessary; or
- b. Oral argument is requested by either party in its motion, objection or response pleadings.

9. The motions hearing, if required, shall take place before the undersigned on **January 11, 2023, at 2:00 p.m.**, in Courtroom 9W, Diana E. Murphy U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota. D. Minn. LR 12.1(d).

10. **TRIAL:**

- a. **IF NO PRETRIAL MOTIONS ARE FILED BY A DEFENDANT, the following trial and trial-related dates are:**

All motions in limine and proposed voir dire and jury instructions are due in District Judge Wilhelmina Wright's chambers at least 21 days before trial begins. Counsel are advised that a pretrial notice will issue that will include additional deadlines.

Judge Wright will hold a pretrial conference on **January 18, 2023, at 1:00 p.m.** in Courtroom 7A, U.S. Courthouse, 316 North Robert Street, **ST. PAUL**, Minnesota.

This case must commence trial on **January 23, 2023, at 9:00 a.m.** before Judge Wright in Courtroom 7A, Warren E. Burger Federal Building and U.S. Courthouse, 316 North Robert Street, **ST. PAUL**, Minnesota.

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- b. **IF PRETRIAL MOTIONS ARE FILED, the trial date, and other related dates, will be rescheduled following the ruling on pretrial motions. Counsel must contact the Courtroom Deputy for Judge Wright to confirm the new trial date.**

Dated: November 14, 2022

s/ Tony N. Leung
TONY N. LEUNG
United States Magistrate Judge
District of Minnesota

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